

REMARKS

This Amendment After Appeal is being submitted with a Request for Continued Prosecution for further prosecution of this application. Claims 1 and 2 have been canceled without prejudice or disclaimer, claims 3, 6 and 7 have been amended, and claims 9 through 11 have been newly added by this Amendment After Appeal. Thus, Claims 3 through 11 are pending in this application. Newly presented claim 9 is independent while claims 10 and 11 are dependent thereon.

The Decision on Appeal mailed on 2 July 2003 (Paper No. 43) reversed the Examiner's final rejection of claims 3 through 5 under 35 U.S.C. § 103 for alleged obviousness over Jones U.S. Patent No. 5,572,660 in view of Holland U.S. Patent No. 5,455,934. The Board, however, affirmed the Examiner's rejection of claims 1, 2 and 6 through 8 under 35 U.S.C. § 102 for alleged anticipation by Jones '660.

The Decision on Appeal mailed on 2 July 2003 (Paper No. 43) established the error in the final rejection of dependent claim 3. Accordingly, claim 3, as re-written in independent format, together with claims 4 and 5 dependent thereon, are in condition for allowance.


Independent claims 6 and 7 have been re-written to conform to the allowability of claim 3; consequently, claims 6 through 8 are deemed to be allowable for the reasons set forth by the Board in Paper No. 43.

Newly presented claim 9, together with claims 10 and 11 dependent thereon, are written in light of the guidance offered by the Board in Paper No. 43 and its Decision on Applicant's Petition for Rehearing, Paper No. 46. Consequently, newly presented claims 9 through 11 are broader in scope and allowable.

In view of the above, it is submitted that the claims 3 through 11 are deemed to be in condition for allowance, and early issuance thereof is solicited. Should any questions arise however, the Examiner is requested to telephone the undersigned attorney.

A fee of \$770.00 is incurred by the filing of an RCE, and a fee of \$86.00 is incurred by the addition of one (1) independent claim in excess of 3. Applicant's check in the total amount of \$856.00 drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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